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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/624,130   | 07/21/2003  | Arian Koster         | PTT-177 (402822US)    | 8026             |
| 7265   | 7590        | 09/08/2006           | EXAMINER              |                  |
| MICHAELSON & ASSOCIATES<br>P.O. BOX 8489<br>RED BANK, NJ 07701 |             |                      | THEIN, MARIA TERESA T |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 3627                  |                  |

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,130

Applicant(s)

KOSTER ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-30-03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Preliminary Amendment***

Applicants' "Preliminary Amendment" filed on June 21, 2003 has been considered.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on October 30, 2003 is being considered by the examiner.

### ***Drawings***

The drawing filed on June 21, 2003 is acceptable.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because it the claimed invention is directed to non-statutory subject matter. Claims 1-11 lack tangible result. The method must produce a real-world result. The final step of the independent claim 1 states "receiving at the remote location ....reference number digits supplementary to the digit in the subset of the reference number". This step does not actually include an end result of a purchase being made relating to a reference number, thus there is no tangible result.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "receiving reference number related data via a second connection over a network from the customer location by an order-handling system, such as an IVR system at the remote" is unclear. Examiner will use the broadest reasonable interpretation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over World Publication Number WO 02/05230 to Gibson in view of U.S. Patent No. 5,727,163 to Bezos.**

Regarding claims 1, 3 and 10, Gibson discloses a method for receiving a purchaser order to enable a purchase relating to a reference number, comprising the

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steps of: completing a purchase order form that includes purchaser data (page 11, lines 13-16); receiving purchaser data at the remote location from said customer location via said first connection (page 11, lines 19-25); storing purchaser data (page 12, lines 9-12); receiving reference number related data via a second connection over a network from the customer location by an order-handling system, such as an IVR system at the remote (page 9, lines 36-37; page 12, lines 12-30; page 13, lines 6-9; page 14, lines 3-9); associating said second connection with the purchase order using the reference number related data, and the subset of the reference number transmitted via said first connection, resulting the complete reference number to the purchaser order (page 12, lines 24-32; page 13, line 38 – page 14, line 3); receiving an identification code from the customer location at the remote location (page 12, lines 24-30; page 14, lines 18-24); and receiving at the remote location via said second connection reference number digits (page 14, lines 18-27).

However, Gibson does not explicitly disclose a predefined subset of the reference number and the reference number is a credit card number; and the complete reference number is determined by concatenating the digits in the subset of the reference number and the supplementary reference number. Gibson does disclose the customer inputting data in a form page and enters the required details (page 11, lines 13-16).

Bezos, on the other, a predefined subset of the reference number and the reference number is a credit card number; and the complete reference number is determined by concatenating the digits in the subset of the reference number and the

supplementary reference number (col. 2, lines 54-56; col. 2, lines 62-67; col. 3, lines 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Gibson, to include a predefined subset of the reference number and the reference number is a credit card number and the complete reference number is determined by concatenating the digits in the subset of the reference number and the supplementary reference number, as taught by Bezos, in order for a customer to place an order without concern that others may illicitly gain access to the customer's credit card information (Bezos col. 2, lines 36-38).

Regarding claims 2, 4-9 and 11, Gibson discloses the second connection is associated with the purchaser order using said identification code; wherein the connection is non-secure network; wherein the first connection is a connection over a public telephone system; connections over the same network; wherein the identification code is show on-line to the customer after the customer has completed said purchase order form, and identification code is received from the customer via said second connection; wherein the identification code is provided by said computer system to the customer; wherein the identification code is received from a personal computer at the customer location by said computer system at the remote location; and the identification code is a unique code (page 6, lines 34-37; page 8, lines 16-18; page 11, lines 19-36).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,012,144 to Pickett discloses a method for performing secure transaction such as credit card purchases, using two or more non-secure networks in such a way that security is insured.

U.S. Patent No. 6,477,578 to Mhoon discloses a system and method for conducting secure electronic transaction via the Internet which uses a second secure communication link for the transmission of sensitive information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
September 5, 2006

*Michael Cuff* 9/5/06  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**